

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA,)	CASE NO. 4:07CR494-004
)	
PLAINTIFF,)	JUDGE PETER C. ECONOMUS
)	
v.)	
)	
ALBERTO DIAZ FERNANDEZ,)	MEMORANDUM OPINION
)	AND ORDER
DEFENDANT.)	
)	

This matter is before the Court upon Magistrate Judge George J. Limbert's Report and Recommendation that the Court ACCEPT Defendant Alberto Diaz Fernandez's ("Defendant") plea of guilty and enter a finding of guilty against Defendant. (Dkt. # 72.)

On September 25, 2007, the government filed an Indictment against Defendant. (Dkt. # 10.) On August 19, 2008, the Court issued an order referring this case to Magistrate Judge Limbert for the purpose of receiving Defendant's guilty plea. (Dkt. # 64.)

On August 19, 2008, a hearing was held in which Defendant entered a plea of guilty to the Superceding Information (Dkt. # 68) filed on the same date—i.e., that Defendant, having knowledge of the actual commission of a felony cognizable by a court of the United States, to wit, that Ana Farias and Ricardo M. Moya were involved

in the possession with intent to distribute marijuana and cocaine in violation of 21 U.S.C. § 841, concealed and did not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, in violation of 18 U.S.C. § 4. Defendant also signed a Waiver of Indictment. (Dkt. # 70.)

Magistrate Judge Limbert received Defendant's guilty plea and issued a Report and Recommendation, recommending that the Court accept the plea and enter a finding of guilty. (Dkt. # 72.) Neither party objected to the Magistrate Judge's Report and Recommendation in the ten days after it was issued.

On *de novo* review of the record, the Magistrate Judge's Report and Recommendation is adopted. The Defendant was found to be competent to enter a plea. The Defendant understood his constitutional rights. He is aware of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds that the plea was entered knowingly, intelligently, and voluntarily. The Defendant's plea of guilty is approved.

Therefore, the Defendant is adjudged guilty the charge contained within the Superseding Information.

IT IS SO ORDERED.

/s/ Peter C. Economus - November 4, 2008
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGENew Text